

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:14-cr-8-SEB-VTW
)	
JOHNATHON ALAN FRANTZ,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 1, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on May 24, 2018 (Docket No. 58). Defendant Johnathon Alan Frantz appeared in person with his appointed counsel Jonathan M. Hodge. The government appeared by Todd Shellenbarger, Assistant United States Attorney, via telephone. U. S. Probation appeared by Officer Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Frantz of his rights and provided him with a copy of the petition.
2. Mr. Frantz waived his right to a preliminary hearing.
3. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
4. After being placed under oath, Mr. Frantz admitted Violations 1-3 (Docket No. 58).

5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1** **"The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."**

On February 21, 2018, a drug test revealed the offender consumed marijuana and methamphetamine. The test results were received by the probation office on March 8, 2018. When confronted, he admitted consuming marijuana and methamphetamine on February 17, 2018.

- 2** **"You shall reside in a residential reentry center for a term of 120 days. You shall abide by the rules and regulations of the facility."**

According to the director of the residential reentry center, the offender advised he was attending drug tests or counseling sessions on April 8, 14, 29, May 6, 13, and 20; 2018. It was later learned he did not attend counseling or drug testing sessions, despite being absent for several hours each day. The offender advised he was working all day on May 19, 2018; however, it was later learned he left work at 12:00 PM and did not return to the facility until 9:00 PM. His whereabouts on all of these dates are not known. Additionally, the director reports he has arrived late to the facility on multiple occasions and has been disrespectful towards staff.

- 3** **"The defendant shall notify the probation officer ten days prior to any change in residence or employment."**

The offender was released from the Bureau of Prisons on January 26, 2018. Upon release, he notified the probation officer that he would reside with his parents; however, on February 1, 2018, he admitted he was residing at an unreported and unapproved residence with an unknown individual. The offender was either unable or unwilling to provide the address where he was residing or the identity of the person with whom he resided.

6. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.

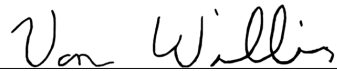
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months' imprisonment.

7. The parties jointly recommended Mr. Frantz be sentenced to 18 months imprisonment with no term of supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 18 months with no supervised release to follow. The defendant is remanded to the custody of the U.S. Marshal.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 6/4/2018



VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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